

EXHIBIT 3-12

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 Case No. 11 Civ. 0691 (LAK)

4 -----x

5 CHEVRON CORPORATION,

6 Plaintiff,

7 - against -

8 STEVEN DONZIGER, et al.,

9 Defendants.

10 -----x

11 June 27, 2018

4:13 p.m.

12
13
14 DEPOSITION of JOSH RIZACK, held at
15 the offices of Gibson, Dunn & Crutcher LLP,
16 located at 200 Park Avenue, New York, New
17 York 10166, before Anthony Giarro, a
18 Registered Professional Reporter and a
19 Notary Public of the State of New York.
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<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 GIBSON, DUNN & CRUTCHER LLP</p> <p>5 Attorneys for Plaintiff</p> <p>6 200 Park Avenue</p> <p>7 New York, New York 10166</p> <p>8</p> <p>9 BY: ANDREA E. NEUMAN, ESQ.</p> <p>10 ALEJANDRO A. HERRERA, ESQ.</p> <p>11 ANNE CHAMPION, ESQ.</p> <p>12</p> <p>13 STERN & KILCULLEN, LLC</p> <p>14 Attorneys for Plaintiffs</p> <p>15 325 Columbia Turnpike, Suite 110</p> <p>16 P.O. Box 992</p> <p>17 Florham Park, New Jersey 07932</p> <p>18 BY: MICHAEL DINGER, ESQ.</p> <p>19 HERBERT STERN, ESQ.</p> <p>20 JOEL SILVERSTEIN, ESQ.</p> <p>21</p> <p>22 STEVEN DONZIGER, ESQ.</p> <p>23 Pro Se</p> <p>24 245 West 104th Street, Suite 7D</p> <p>25 New York, New York 10025</p> <p>Also Present:</p> <p>Jonathan Popham, Videographer</p> <p>Andres Romero, Chevron</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 afternoon. We are going on the</p> <p>4 record at 4:13 p.m. on June 27th,</p> <p>5 2018. Please note that the</p> <p>6 microphones are sensitive, and they</p> <p>7 may pick up whispering, private</p> <p>8 conversations and cellular</p> <p>9 interference. Please turn off all</p> <p>10 cell phones or place them away from</p> <p>11 the microphones as they can interfere</p> <p>12 with the deposition audio. Audio and</p> <p>13 video recording will continue until</p> <p>14 all parties agree to go off the</p> <p>15 record.</p> <p>16 This is Media No. 1 of the</p> <p>17 video deposition of Josh Rizack,</p> <p>18 taken by counsel for plaintiff, in</p> <p>19 the matter of Chevron Corporation</p> <p>20 versus Steven Donziger, et al. filed</p> <p>21 in the United States District Court</p> <p>22 for the Southern District of New</p> <p>23 York, Case No. 11 Civ. 0691 (LAK).</p> <p>24 This deposition is being held at</p> <p>25 Gibson, Dunn & Crutcher, located at</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 STIPULATIONS</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED,</p> <p>5 by and among counsel for the respective</p> <p>6 parties hereto, that the filing, sealing</p> <p>7 and certification of the within deposition</p> <p>8 shall be and the same are hereby waived;</p> <p>9 IT IS FURTHER STIPULATED AND AGREED</p> <p>10 that all objections, except as to form of</p> <p>11 the question, shall be reserved to the time</p> <p>12 of the trial;</p> <p>13 IT IS FURTHER STIPULATED AND AGREED</p> <p>14 that the within deposition may be signed</p> <p>15 before any Notary Public with the same</p> <p>16 force and effect as if signed and sworn to</p> <p>17 before the Court.</p> <p>18 * * *</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1</p> <p>2 200 Park Avenue, New York, New York.</p> <p>3 My name is Jonathan Popham</p> <p>4 from Veritext. And I'm the</p> <p>5 videographer. The court reporter is</p> <p>6 Anthony Giarro, also from Veritext.</p> <p>7 I'm not authorized to</p> <p>8 administer an oath. I'm not related</p> <p>9 to any party in this action, nor am I</p> <p>10 financially interested in the</p> <p>11 outcome.</p> <p>12 Counsel and all present and</p> <p>13 those attending remotely will now</p> <p>14 please state their appearances and</p> <p>15 affiliations for the record.</p> <p>16 MS. NEUMAN: Andrea Neuman,</p> <p>17 Gibson, Dunn, on behalf of Chevron</p> <p>18 Corporation.</p> <p>19 MR. HERRERA: Alejandro</p> <p>20 Herrera, of Gibson, Dunn, also on</p> <p>21 behalf of Chevron Corporation.</p> <p>22 MR. ROMERO: Andres Romero</p> <p>23 for Chevron Corporation.</p> <p>24 THE VIDEOGRAPHER: Counsel</p> <p>25 on the phone, please.</p>

<p style="text-align: right;">Page 6</p> <p>1</p> <p>2 MS. NEUMAN: Can you</p> <p>3 identify yourself for the record?</p> <p>4 MR. DONZIGER: Sure. It's</p> <p>5 Steven Donziger, D-O-N-Z-I-G-E-R, on</p> <p>6 behalf of myself and my law firm.</p> <p>7 THE VIDEOGRAPHER: Will the</p> <p>8 court reporter please swear in the</p> <p>9 witness.</p> <p>10 J O S H R I Z A C K, after having</p> <p>11 first been duly sworn by a Notary Public</p> <p>12 of the State of New York, was examined</p> <p>13 and testified as follows:</p> <p>14 EXAMINATION BY</p> <p>15 MS. NEUMAN:</p> <p>16 Q Good afternoon, Mr. Rizack.</p> <p>17 MS. NEUMAN: I think before</p> <p>18 we get started, in earnest,</p> <p>19 Mr. Donziger wanted to make a</p> <p>20 statement for the record.</p> <p>21 MR. DONZIGER: Yes. Thank</p> <p>22 you. Steven Donziger here. I want</p> <p>23 to state a general objection. And</p> <p>24 just for context, I don't want to be</p> <p>25 in a position, particularly from a</p>	<p style="text-align: right;">Page 8</p> <p>1 JOSH RIZACK</p> <p>2 indirectly oppose Chevron Corporation</p> <p>3 as regards, the Ecuador litigation,</p> <p>4 or otherwise support the Ecuador</p> <p>5 litigation and/or Ecuador</p> <p>6 environmental cause.</p> <p>7 I generally object to</p> <p>8 proceeding now with the deposition.</p> <p>9 Before, I have been given reasons for</p> <p>10 the denial of my motions for relief</p> <p>11 by the court and before I can</p> <p>12 consider appellate review remedies</p> <p>13 and before I can understand the</p> <p>14 precise scope of protections still</p> <p>15 available or deemed denied by the</p> <p>16 court.</p> <p>17 It is my view that we are</p> <p>18 effectually proceeding to this</p> <p>19 hearing tomorrow on Chevron's motion</p> <p>20 to hold me in contempt of court</p> <p>21 without the law being clear in effect</p> <p>22 by a secret law. And that violates</p> <p>23 my rights and Mr. Rizack's rights.</p> <p>24 Finally, I want to deal with</p> <p>25 the 502(b) order. I take the</p>
<p style="text-align: right;">Page 7</p> <p>1 JOSH RIZACK</p> <p>2 remote location, of regularly</p> <p>3 interrupting the deposition to state</p> <p>4 objections. So I'm going to state a</p> <p>5 couple of general objections that</p> <p>6 apply to the entirety of the</p> <p>7 deposition.</p> <p>8 Number One is I generally</p> <p>9 continue to assert the objections to</p> <p>10 this proceeding and my motion for</p> <p>11 declaratory relief and to dismiss.</p> <p>12 And my motion for a protective order</p> <p>13 on First Amendment grounds cover the</p> <p>14 entirety of the deposition. The</p> <p>15 First Amendment motion seeks a</p> <p>16 protective order, quote, forbidding</p> <p>17 the disclosure of or any inquiry into</p> <p>18 matters that would tend to reveal the</p> <p>19 identity of any funder or other</p> <p>20 materials supported in the Ecuador</p> <p>21 litigation and/or the internal</p> <p>22 operational, organizational,</p> <p>23 administrative or financial</p> <p>24 management practices of individuals</p> <p>25 and organizations who directly or</p>	<p style="text-align: right;">Page 9</p> <p>1 JOSH RIZACK</p> <p>2 position that discovery and the</p> <p>3 testimony of Mr. Rizack today is</p> <p>4 covered by the 502(b) order</p> <p>5 stipulated by me and also, I believe,</p> <p>6 by Ms. Sullivan, among other reasons,</p> <p>7 Mr. Rizack's production and</p> <p>8 testimony, I believe, will be mostly</p> <p>9 redundant after the Sullivan</p> <p>10 discovery and deposition.</p> <p>11 So that is the entirety of</p> <p>12 my general objections. And I'm ready</p> <p>13 to listen and make specific</p> <p>14 objections as wanted.</p> <p>15 MS. NEUMAN: Chevron does</p> <p>16 not agree with Mr. Donziger's</p> <p>17 positions or statements or</p> <p>18 objections. And we'll proceed with</p> <p>19 the deposition of Mr. Rizack at this</p> <p>20 time.</p> <p>21 Q Mr. Rizack, where were you</p> <p>22 born?</p> <p>23 A New York.</p> <p>24 Q What year?</p> <p>25 A 1966.</p>

<p style="text-align: right;">Page 10</p> <p>1 JOSH RIZACK</p> <p>2 Q And could you describe</p> <p>3 briefly for me your educational</p> <p>4 background?</p> <p>5 A My last --</p> <p>6 Q You could start with</p> <p>7 college. How about that?</p> <p>8 A I went to New York</p> <p>9 University, got a degree in economics.</p> <p>10 Q What year did you graduate</p> <p>11 NYU?</p> <p>12 A 1988.</p> <p>13 Q Have you had any studies</p> <p>14 after graduating NYU in 1988?</p> <p>15 A Not at a university, no.</p> <p>16 Q Any studies relevant to your</p> <p>17 practice as an accountant?</p> <p>18 A I'm not an accountant.</p> <p>19 Q Any studies relevant to your</p> <p>20 professional practice?</p> <p>21 A I've attended conferences</p> <p>22 and, you know, workshops and so forth.</p> <p>23 Q Any other degrees other than</p> <p>24 your degree in economics?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 12</p> <p>1 JOSH RIZACK</p> <p>2 Q When did you create The</p> <p>3 Rising Group?</p> <p>4 A I don't recall. It was a</p> <p>5 while ago, though.</p> <p>6 Q Is that the name of your own</p> <p>7 company pursuant to which you're</p> <p>8 self-employed?</p> <p>9 A Correct.</p> <p>10 Q You know what, I forgot.</p> <p>11 Have you been deposed</p> <p>12 before?</p> <p>13 A Yes.</p> <p>14 Q Do you want me to run back</p> <p>15 through the rules or do you feel that</p> <p>16 you're comfortable?</p> <p>17 A I'm comfortable.</p> <p>18 Q The only thing I would</p> <p>19 mention is you would need to let me</p> <p>20 finish so the court reporter can get it</p> <p>21 down, even though you are anticipating</p> <p>22 what I'm going to say; is that fair?</p> <p>23 A Never anticipate.</p> <p>24 Q Obviously, if you need a</p> <p>25 break for any reason, let us know. If</p>
<p style="text-align: right;">Page 11</p> <p>1 JOSH RIZACK</p> <p>2 Q What is -- can you briefly</p> <p>3 describe for me your professional history</p> <p>4 since graduating from NYU in 1988?</p> <p>5 A I briefly worked at UBS as a</p> <p>6 precious metal trader, and then I worked</p> <p>7 for Buccino & Associates as a consultant.</p> <p>8 Q What was the first name?</p> <p>9 A B-U-C-C-I-N-O & Associates</p> <p>10 as a financial consultant, doing workouts</p> <p>11 of troubled companies. And then from</p> <p>12 there, I was self-employed. And for a</p> <p>13 short period, I worked for Zolfo Cooper.</p> <p>14 Q What years were you at UBS?</p> <p>15 A That would have been 1988, I</p> <p>16 believe.</p> <p>17 Q Until or just the one year?</p> <p>18 A Just the one year.</p> <p>19 Q And then Buccino?</p> <p>20 A Buccino was like shortly</p> <p>21 after that. And I think I was there for</p> <p>22 like three years.</p> <p>23 Q So you became self-employed</p> <p>24 around 1991, 1992?</p> <p>25 A Yeah, about that.</p>	<p style="text-align: right;">Page 13</p> <p>1 JOSH RIZACK</p> <p>2 you don't understand my question, ask me</p> <p>3 to clarify.</p> <p>4 Are you currently</p> <p>5 self-employed?</p> <p>6 A Yes.</p> <p>7 Q And is The Rising Group</p> <p>8 currently a going concern?</p> <p>9 A Yes.</p> <p>10 Q What type of entity is it?</p> <p>11 A It's a corporation.</p> <p>12 Q LLC?</p> <p>13 A It's an S Corporation.</p> <p>14 Q When did you first meet</p> <p>15 Mr. Donziger?</p> <p>16 A I don't recall but a long</p> <p>17 time ago.</p> <p>18 Q Can you give me your best</p> <p>19 estimate? Not a wild guess but an</p> <p>20 estimate is appropriate.</p> <p>21 A I don't know if it was 15</p> <p>22 years ago or 20 years ago. It's a guess.</p> <p>23 Q Where did you meet?</p> <p>24 A I don't recall the first</p> <p>25 time we met. I believe it was at a law</p>

4 (Pages 10 - 13)

<p style="text-align: right;">Page 14</p> <p>1 JOSH RIZACK</p> <p>2 firm. I don't recall precisely.</p> <p>3 Q Can you estimate when you</p> <p>4 started working for Mr. Donziger?</p> <p>5 A It was about approximately</p> <p>6 five years ago; five, six years ago.</p> <p>7 Q And what were you retained</p> <p>8 to do?</p> <p>9 A I was retained to help</p> <p>10 them -- to help him with -- with putting</p> <p>11 the records, you know, to help with the</p> <p>12 payments and expenses and, you know, the</p> <p>13 case expenses and so forth.</p> <p>14 Q Anything else you were hired</p> <p>15 to do?</p> <p>16 A Those are the main things I</p> <p>17 did.</p> <p>18 Q And you mentioned that</p> <p>19 you're not an accountant?</p> <p>20 A No.</p> <p>21 Q You're not trained in GAAP?</p> <p>22 A No.</p> <p>23 Q When you would do work for</p> <p>24 Mr. Donziger in putting these</p> <p>25 accountings -- well, let me withdraw</p>	<p style="text-align: right;">Page 16</p> <p>1 JOSH RIZACK</p> <p>2 know, look at the expenses and put them</p> <p>3 in Excel and list them in Excel.</p> <p>4 Q And did she do that work at</p> <p>5 your office or somewhere else?</p> <p>6 A No. Somewhere else.</p> <p>7 Q And she would send it to</p> <p>8 you?</p> <p>9 A Yeah. Or Steven Donziger</p> <p>10 would have it. And I would get it from</p> <p>11 him.</p> <p>12 Q Electronically or in hard</p> <p>13 copy?</p> <p>14 A No. This was hard copy.</p> <p>15 Q So hard-copy Excel sheets?</p> <p>16 A Yeah. It would be excel</p> <p>17 with the backup of bills, of the</p> <p>18 invoices.</p> <p>19 Q In what time frame was this</p> <p>20 woman involved?</p> <p>21 A This was when I -- I think</p> <p>22 it was at the beginning when I started</p> <p>23 helping them out, working with them.</p> <p>24 Q Would you estimate it to be</p> <p>25 in 2012?</p>
<p style="text-align: right;">Page 15</p> <p>1 JOSH RIZACK</p> <p>2 that.</p> <p>3 Do you consider what you</p> <p>4 produced to be accountings?</p> <p>5 A No. I mean I didn't produce</p> <p>6 in the formal sense any income statements</p> <p>7 or balance sheets or formal GAAP</p> <p>8 accounting. It was more putting together</p> <p>9 what bills needed to be paid, what was</p> <p>10 outstanding and putting together the</p> <p>11 expenses of the case and Steven</p> <p>12 Donziger's expenses related to the case.</p> <p>13 Q In doing so -- when you say</p> <p>14 the case, you mean the Ecuador case?</p> <p>15 A Correct.</p> <p>16 Q In doing this work for</p> <p>17 Mr. Donziger related to the case, did you</p> <p>18 work with anyone other than Mr. Donziger?</p> <p>19 A I would say predominantly,</p> <p>20 the work was with Mr. Donziger. On other</p> <p>21 occasions, I know there was -- and I</p> <p>22 don't recall her name and when. But</p> <p>23 there was a woman that helped put a lot</p> <p>24 of this data together; you know, I think</p> <p>25 she was a, you know, temp that would, you</p>	<p style="text-align: right;">Page 17</p> <p>1 JOSH RIZACK</p> <p>2 A You know what --</p> <p>3 Q I'm just trying to do the</p> <p>4 math.</p> <p>5 A I don't really recall the</p> <p>6 dates, to be honest.</p> <p>7 Q Other than the temporary</p> <p>8 woman whose name we don't recall --</p> <p>9 A Right.</p> <p>10 Q -- and Mr. Donziger, anybody</p> <p>11 else you would work with on this matter?</p> <p>12 A I'm sure there was other</p> <p>13 people. My main contact was Steven</p> <p>14 Donziger.</p> <p>15 Q Anyone else you recall?</p> <p>16 A I mean there was always</p> <p>17 people. But that's who -- that's who I</p> <p>18 dealt with.</p> <p>19 Q When you say there were</p> <p>20 always people, were these people who were</p> <p>21 calling you and asking you for things?</p> <p>22 A No; you know, he had other</p> <p>23 people that helped him along the way that</p> <p>24 assisted him.</p> <p>25 Q But to the extent you did</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 JOSH RIZACK</p> <p>2 work in the matter, you took your</p> <p>3 direction from Mr. Donziger?</p> <p>4 A Correct.</p> <p>5 Q Did there come a time when</p> <p>6 you stopped working for Mr. Donziger?</p> <p>7 A Yes.</p> <p>8 Q When was that?</p> <p>9 A I think -- I think, you</p> <p>10 know, during and pretty much after the</p> <p>11 Rico trial, I was still involved. But it</p> <p>12 was -- it was very little work. It would</p> <p>13 be -- he would call me and ask for</p> <p>14 something or, you know, could you put a</p> <p>15 little Excel sheet together, you know, it</p> <p>16 was very little.</p> <p>17 Q Did there come a time when</p> <p>18 either of you terminated the</p> <p>19 relationship, the professional</p> <p>20 relationship?</p> <p>21 A Right; you know, I don't</p> <p>22 think it was ever so formal. It just --</p> <p>23 you know, I just wasn't doing things, you</p> <p>24 know. They didn't call on me to do</p> <p>25 things, you know.</p>	<p style="text-align: right;">Page 20</p> <p>1 JOSH RIZACK</p> <p>2 Q Right. Had.</p> <p>3 A Had, correct.</p> <p>4 Q How many boxes did you have?</p> <p>5 A I don't know. Three to</p> <p>6 five, I'm guessing. I'm not 100 percent</p> <p>7 sure.</p> <p>8 Q And these were boxes of</p> <p>9 documents that previously belonged to</p> <p>10 Mr. Donziger that he had brought to you</p> <p>11 in connection with your work; is that</p> <p>12 right?</p> <p>13 A Correct.</p> <p>14 Q And are these documents --</p> <p>15 let me withdraw that.</p> <p>16 Are these boxes of documents</p> <p>17 that you had been through or that you</p> <p>18 needed to go through?</p> <p>19 A I think I've been through</p> <p>20 most of the documents in those boxes.</p> <p>21 But there might have been stuff that I</p> <p>22 still needed to go through.</p> <p>23 Q And just generally, what</p> <p>24 type of documents did the boxes contain?</p> <p>25 A Mostly backup receipts and</p>
<p style="text-align: right;">Page 19</p> <p>1 JOSH RIZACK</p> <p>2 Q The phone stopped ringing?</p> <p>3 A He called me when he would</p> <p>4 need something. And, you know, I had</p> <p>5 other work also, you know. This was</p> <p>6 never a full-time job. I always had</p> <p>7 other work.</p> <p>8 Q Were you retained pursuant</p> <p>9 to any kind of written agreement?</p> <p>10 A No. I don't believe we</p> <p>11 had -- no. We didn't have -- did we have</p> <p>12 a -- I honestly don't recall if we had a</p> <p>13 written agreement.</p> <p>14 Q Did you hire anybody else to</p> <p>15 help you in your work on the Ecuador</p> <p>16 case?</p> <p>17 A No.</p> <p>18 Q I believe you mentioned at</p> <p>19 one point in time prior to your</p> <p>20 deposition that you have boxes of</p> <p>21 Mr. Donziger's documents in your offices.</p> <p>22 Do you recall that?</p> <p>23 A That's incorrect. I</p> <p>24 mentioned that I had boxes. But I no</p> <p>25 longer had those boxes.</p>	<p style="text-align: right;">Page 21</p> <p>1 JOSH RIZACK</p> <p>2 American Express bills and bank</p> <p>3 statements and so forth.</p> <p>4 Q When you were doing work for</p> <p>5 Mr. Donziger, did you ever get the</p> <p>6 documents directly from the provider,</p> <p>7 i.e., either the bank or AMEX or did you</p> <p>8 always get copies of the documents from</p> <p>9 Mr. Donziger?</p> <p>10 A They would be copies from</p> <p>11 Mr. Donziger, like I did not have direct</p> <p>12 access --</p> <p>13 Q -- to his accounts?</p> <p>14 A Right.</p> <p>15 Q The three to five boxes that</p> <p>16 you no longer have --</p> <p>17 A Right.</p> <p>18 Q -- where are they?</p> <p>19 A I don't know. Last I saw</p> <p>20 them, Katie Sullivan took them.</p> <p>21 Q She came to your offices and</p> <p>22 picked them up?</p> <p>23 A Correct.</p> <p>24 Q Do you recall roughly when</p> <p>25 that was?</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 66</p> <p>1 JOSH RIZACK</p> <p>2 grounds of privilege, attorney-client</p> <p>3 privilege. I'm somewhat handicapped.</p> <p>4 Is this a pie chart? I don't see it.</p> <p>5 THE WITNESS: Yes.</p> <p>6 MS. NEUMAN: There's a pie</p> <p>7 chart on the exhibit, yes.</p> <p>8 MR. DONZIGER: Okay. So I'm</p> <p>9 objecting on the grounds that this is</p> <p>10 subject to various privileges,</p> <p>11 attorney-client work product.</p> <p>12 Andrea, I assume you're going to just</p> <p>13 respect my objection. You're going</p> <p>14 to keep going?</p> <p>15 MS. NEUMAN: I don't know</p> <p>16 what you mean. Are you instructing</p> <p>17 the witness not to answer?</p> <p>18 MR. DONZIGER: No, I'm not.</p> <p>19 I'm just making the objection. I</p> <p>20 think he can describe what it says.</p> <p>21 I don't want him to answer if you're</p> <p>22 going to get into what it means in</p> <p>23 terms of strategy, this, that and the</p> <p>24 other thing. I don't know where</p> <p>25 you're going with it. Keep going.</p>	<p style="text-align: right;">Page 68</p> <p>1 JOSH RIZACK</p> <p>2 1.1 million plus.</p> <p>3 A Correct.</p> <p>4 Q Is that the same</p> <p>5 miscellaneous you previously described?</p> <p>6 A I mean I'm sure there's --</p> <p>7 all these buckets had detailed --</p> <p>8 detailed -- you know, detailed either</p> <p>9 bank statements receipts or so forth.</p> <p>10 Most of the expenses that were paid were</p> <p>11 paid through checks and wires. So it was</p> <p>12 not hard to go back to the bank</p> <p>13 statements to get most of these expenses.</p> <p>14 Q So there's a backup schedule</p> <p>15 for the miscellaneous?</p> <p>16 A There, I'm sure, is a file</p> <p>17 with -- with the backup for that, yes.</p> <p>18 Q And you would have produced</p> <p>19 that?</p> <p>20 A Yes. It would have been --</p> <p>21 you know, it would have been in all those</p> <p>22 boxes.</p> <p>23 Q You have on here over</p> <p>24 1.5 million for Ecuador Legal. Do you</p> <p>25 see that?</p>
<p style="text-align: right;">Page 67</p> <p>1 JOSH RIZACK</p> <p>2 Q Mr. Rizack, without giving</p> <p>3 me names, did you provide your expense</p> <p>4 statements to anyone other than</p> <p>5 Mr. Donziger?</p> <p>6 A I provided this to</p> <p>7 Mr. Donziger. I believe -- I don't</p> <p>8 recall who else. I mean this was a while</p> <p>9 ago. This is years ago. So I don't</p> <p>10 recall if we presented this to other</p> <p>11 people or I presented it to Mr. Donziger.</p> <p>12 And he presented it. I just don't</p> <p>13 remember. I remember putting the</p> <p>14 document together, though.</p> <p>15 Q Were you putting this</p> <p>16 document together for some particular</p> <p>17 purpose?</p> <p>18 A I think we were just</p> <p>19 looking. I don't know if somebody had</p> <p>20 requested. I don't recall, honestly.</p> <p>21 But I'm sure either he wanted to know or</p> <p>22 other people wanted to know where the</p> <p>23 funds had gone, into what categories.</p> <p>24 Q So on Exhibit 5335, the</p> <p>25 first category is miscellaneous for</p>	<p style="text-align: right;">Page 69</p> <p>1 JOSH RIZACK</p> <p>2 A Correct.</p> <p>3 Q Do you recall how you</p> <p>4 determined if something was being paid</p> <p>5 for Ecuador Legal?</p> <p>6 A It would have been a wire --</p> <p>7 it would have been a wire sent to a law</p> <p>8 firm.</p> <p>9 Q In Ecuador?</p> <p>10 A Correct.</p> <p>11 Q And would you know -- would</p> <p>12 the law firm then account for how they</p> <p>13 spent the 1.5 million or that's where</p> <p>14 your inquiry ended?</p> <p>15 A No. The expenses were the</p> <p>16 legal fees. And expenses and so forth</p> <p>17 were always backed by receipts.</p> <p>18 Q So you had invoices from</p> <p>19 Ecuador law firms for over 1.5 million?</p> <p>20 A I believe so. When we would</p> <p>21 send out wires, we had receipt -- we had</p> <p>22 invoices.</p> <p>23 MR. DONZIGER: Is there a</p> <p>24 question pending?</p> <p>25 MS. NEUMAN: No. There was</p>

<p style="text-align: right;">Page 74</p> <p>1 JOSH RIZACK</p> <p>2 A Restate the question.</p> <p>3 Q Did you ever have or do you</p> <p>4 have a contingent interest in the Ecuador</p> <p>5 judgment?</p> <p>6 A Yes.</p> <p>7 Q Could you describe that</p> <p>8 interest for me, please, sir?</p> <p>9 A I believe it's either an</p> <p>10 eighth or a quarter percent of</p> <p>11 recoveries.</p> <p>12 Q But you don't know which:</p> <p>13 An eighth or a quarter?</p> <p>14 A No. I would have to check.</p> <p>15 Q Do you have a document?</p> <p>16 A Yes.</p> <p>17 Q Did you produce that</p> <p>18 document?</p> <p>19 A I don't believe so.</p> <p>20 MR. DONZIGER: I'm going to</p> <p>21 object to the production of that,</p> <p>22 which we'll deal with later,</p> <p>23 obviously, because he doesn't have</p> <p>24 it. But getting into issues of who,</p> <p>25 you know, owns what other than like a</p>	<p style="text-align: right;">Page 76</p> <p>1 JOSH RIZACK</p> <p>2 Q And the agreement you</p> <p>3 signed, was it with anybody other than</p> <p>4 Mr. Donziger?</p> <p>5 A Yes.</p> <p>6 Q And who was it with?</p> <p>7 A It was the -- I don't</p> <p>8 recall. But I believe it was -- it's on</p> <p>9 the agreement. The official -- I don't</p> <p>10 remember the official group in Ecuador.</p> <p>11 But they were on that.</p> <p>12 Q And did you meet with them</p> <p>13 in negotiating this agreement?</p> <p>14 A I had been with -- I had met</p> <p>15 with several people. And I believe it</p> <p>16 was agreed upon, presented on numerous</p> <p>17 occasion to numerous people.</p> <p>18 Q Can you tell me the names of</p> <p>19 any of these people?</p> <p>20 A I don't recall offhand.</p> <p>21 Q But you do have this</p> <p>22 agreement?</p> <p>23 A Yes.</p> <p>24 Q What were you giving in</p> <p>25 exchange for your either 1/8th or 1</p>
<p style="text-align: right;">Page 75</p> <p>1 JOSH RIZACK</p> <p>2 general structure, in my mind, would</p> <p>3 violate the associational rights of</p> <p>4 the folks working on this Ecuador</p> <p>5 environmental litigation and advocacy</p> <p>6 effort.</p> <p>7 Q When did you obtain the</p> <p>8 interest and the judgment you just</p> <p>9 described?</p> <p>10 A It was -- it was -- you</p> <p>11 know, it was promised, you know,</p> <p>12 throughout the case when it was actually</p> <p>13 memorialized. I don't remember the exact</p> <p>14 date. I would have to look in the file.</p> <p>15 Q Can you give me an estimate?</p> <p>16 A I don't recall.</p> <p>17 Q Was it before or after the</p> <p>18 RICO judgment was issued?</p> <p>19 A It was discussed before.</p> <p>20 But I think it was memorialized after.</p> <p>21 Q And did your percentage come</p> <p>22 out of Mr. Donziger's percentage or from</p> <p>23 some other source?</p> <p>24 A I believe from some other</p> <p>25 source.</p>	<p style="text-align: right;">Page 77</p> <p>1 JOSH RIZACK</p> <p>2 quarter percent interest in the</p> <p>3 recoveries under the Ecuador judgment?</p> <p>4 A For work that I had done</p> <p>5 putting things together or the work</p> <p>6 product that you've seen here, some of</p> <p>7 this work product.</p> <p>8 Q Anything other than your</p> <p>9 services?</p> <p>10 A I don't understand the</p> <p>11 question.</p> <p>12 Q In exchange for your</p> <p>13 interest in the Ecuador judgment --</p> <p>14 A Right.</p> <p>15 Q -- did you give the</p> <p>16 official Ecuador group anything other</p> <p>17 than your services? Did you give them</p> <p>18 any money?</p> <p>19 A No.</p> <p>20 Q Did you provide anything of</p> <p>21 value to them other than the financial</p> <p>22 statements, services you had provided to</p> <p>23 Mr. Donziger?</p> <p>24 A Yeah. I gave them work</p> <p>25 product of, you know, where money went,</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 102</p> <p>1 JOSH RIZACK</p> <p>2 money that came in after the RICO</p> <p>3 judgment be put into Mr. Donziger's</p> <p>4 personal accounts?</p> <p>5 A I was not. Post-RICO, I was</p> <p>6 not working on his expenses.</p> <p>7 Q But some of these</p> <p>8 spreadsheets are --</p> <p>9 A Are they?</p> <p>10 Q -- dated 2017.</p> <p>11 A A lot of these are dated.</p> <p>12 But most of this stuff was put in -- when</p> <p>13 was the --</p> <p>14 Q 2014.</p> <p>15 A 2014 was the RICO. So --</p> <p>16 so, yeah. I might have put some of this</p> <p>17 stuff in, or it was provided by -- by</p> <p>18 Mr. Donziger. And I popped it into the</p> <p>19 chart. But I was -- you know, this</p> <p>20 was -- to the extent I was working on it</p> <p>21 prior, afterwards was very Limited.</p> <p>22 Q So setting aside the general</p> <p>23 extent of your work, post-RICO, are you</p> <p>24 aware of occasions where funder money</p> <p>25 went into Mr. Donziger's accounts?</p>	<p style="text-align: right;">Page 104</p> <p>1 JOSH RIZACK</p> <p>2 organizational structure. He could</p> <p>3 speak to his particular terms. But I</p> <p>4 would instruct him not to speak to</p> <p>5 the terms of others if he knows about</p> <p>6 them. I don't even know if he does.</p> <p>7 Q Do you intend to follow that</p> <p>8 instruction?</p> <p>9 A What's your question?</p> <p>10 Q Do you know any of the terms</p> <p>11 on which funders who invested in the</p> <p>12 judgment after RICO made those</p> <p>13 investments?</p> <p>14 A I don't recall the details</p> <p>15 of any of those investors.</p> <p>16 Q Do you recall anything?</p> <p>17 A Yes.</p> <p>18 Q What do you recall?</p> <p>19 A I mean I recall Steven</p> <p>20 asking questions, asking me to build</p> <p>21 these charts for him but no specific.</p> <p>22 This is not stuff I worked on recently.</p> <p>23 Q You said that you're aware</p> <p>24 that some people invested, post-RICO?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 103</p> <p>1 JOSH RIZACK</p> <p>2 MR. DONZIGER: I'm sorry.</p> <p>3 Just to understand the question, is</p> <p>4 that limited by any date, your</p> <p>5 question?</p> <p>6 MS. NEUMAN: Since RICO.</p> <p>7 MR. DONZIGER: Since the</p> <p>8 RICO judgment?</p> <p>9 MS. NEUMAN: Yes.</p> <p>10 MR. DONZIGER: Okay.</p> <p>11 A I don't know where -- which</p> <p>12 account the investor moneys went into.</p> <p>13 Q The three to four post-RICO</p> <p>14 investors with whom you're familiar or</p> <p>15 know of --</p> <p>16 A Right.</p> <p>17 Q -- are you familiar with</p> <p>18 the terms on which they made their</p> <p>19 investments?</p> <p>20 A I don't recall.</p> <p>21 Q Do you recall anything?</p> <p>22 A I just -- I recall --</p> <p>23 MR. DONZIGER: I'm going to</p> <p>24 object again. That goes right to the</p> <p>25 core of our internal operations and</p>	<p style="text-align: right;">Page 105</p> <p>1 JOSH RIZACK</p> <p>2 Q Do you have any knowledge as</p> <p>3 to whether they were investing in</p> <p>4 exchange for a percentage interest in the</p> <p>5 judgment?</p> <p>6 A I would assume that.</p> <p>7 Q But do you know, one way or</p> <p>8 the other? Were you in meetings where</p> <p>9 that was discussed?</p> <p>10 A I don't recall being in any</p> <p>11 meetings. I would recall that Steven</p> <p>12 would call and ask for, you know, these</p> <p>13 charts, or he would ask a question. But</p> <p>14 I was not the main person dealing with</p> <p>15 these kind of issues.</p> <p>16 Q So the meeting in Brussels</p> <p>17 that you do recall --</p> <p>18 A Yes.</p> <p>19 Q -- with a funder --</p> <p>20 A Yes.</p> <p>21 Q -- do you recall the terms?</p> <p>22 Let me withdraw that.</p> <p>23 Did that funder invest?</p> <p>24 A No.</p> <p>25 Q Do you recall the terms that</p>

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1 JOSH RIZACK
2 talk about any positions you would or you
3 wouldn't take at your deposition?
4 A No.
5 Q Did you and Mr. Donziger
6 talk about the documents that you had
7 withheld and then subsequently produced?
8 A Not that I recall.
9 Q Can you tell me, generally,
10 what the topics of your conversations
11 with Mr. Donziger were this week?
12 A Just in general, when the
13 deposition would be, if I was going to
14 agree to a deposition, what the timing
15 would be, just general questions like
16 that.
17 Q Did Mr. Donziger discourage
18 you in any way from agreeing to a
19 deposition?
20 A No.
21 Q When you were working with
22 Mr. Donziger and working on these
23 financial accountings, what were his
24 sources of income?
25 MR. DONZIGER: Hold on. Can

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1 JOSH RIZACK
2 you limit that question by date?
3 MS. NEUMAN: I did. While
4 Mr. Rizack was working with you.
5 MR. DONZIGER: Well, can you
6 limit it then by post-RICO, please?
7 MS. NEUMAN: No.
8 A Repeat the question, please.
9 Q What were Mr. Donziger's
10 sources of income of which you were
11 aware?
12 A You're asking post-RICO?
13 Q No. While you were working
14 with him.
15 A At any time. You know, I
16 don't know all of his financing, all of
17 his -- where his income came from. I
18 didn't deal with that. That wasn't what
19 I dealt with. I dealt with paying bills,
20 putting documents together and going
21 through mail, and I would -- I would put
22 together that -- you know, these personal
23 bills need to be paid. Occasionally, I
24 would cut checks and say you need to sign
25 these. But I didn't deal with his

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1 JOSH RIZACK
2 personal finances beyond that.
3 Q So you had a checkbook for
4 one or more of Mr. Donziger's accounts?
5 A No. He would give it to me.
6 And I would literally -- here's your
7 mortgage, here's your whatever bill that
8 needs to be paid, AT&T. And I might
9 write out those bills for him.
10 Q Were you aware of any of
11 Mr. Donziger's sources of income while
12 you were working with him?
13 A No. I mean there was, you
14 know, case money that came in that we
15 discussed. But beyond that, I didn't
16 deal with his personal sources, whether
17 they were from him, his wife or whatever.
18 Q On Exhibit 5314,
19 Plaintiff's, the firm Lenczner, Slaght,
20 Royce & Smith, paid the 488,000 in 2016,
21 are you aware of any other moneys coming
22 from that firm to Mr. Donziger?
23 A No.
24 Q Are you aware of any
25 payments going from Mr. Donziger to the

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1 JOSH RIZACK
2 Lenczner Firm?
3 A No.
4 Q Are you aware of any reason
5 why the Lenczner Firm would be wiring
6 money to Mr. Donziger?
7 A I can only make assumptions.
8 MR. DONZIGER: Well, I would
9 object. If you know, answer. If you
10 don't know, don't answer.
11 A I can only speculate.
12 Q Is it informed speculation?
13 A No, it's not informed.
14 MR. DONZIGER: Objection.
15 Informed speculation, I never heard
16 of that one. That's good, a good
17 one. Informed speculation. You mean
18 like based on something, some
19 information?
20 A No. I was not privy to the
21 wires going in and out.
22 Q Are you aware of whether or
23 not this -- the money that came from the
24 Lenczner Firm originated with a funder
25 that bought an interest in the judgment?

<p style="text-align: right;">Page 134</p> <p>1 JOSH RIZACK</p> <p>2 A Yes.</p> <p>3 Q Can you tell me what those</p> <p>4 are?</p> <p>5 A I don't recall.</p> <p>6 Q What about the number that's</p> <p>7 over on the right-hand margin? Looks</p> <p>8 like a stray number.</p> <p>9 A I don't recall. But, you</p> <p>10 know, without quickly highlighting it,</p> <p>11 could this be a total.</p> <p>12 Q But you don't know, as you</p> <p>13 sit here today?</p> <p>14 A No. I mean if I pull up the</p> <p>15 worksheet, I could quickly figure it out</p> <p>16 or if I got a calculator and added those</p> <p>17 numbers and see if they added up to that</p> <p>18 number.</p> <p>19 Q Oh. The numbers in the row?</p> <p>20 A Yeah. It looks like they</p> <p>21 might add up to that.</p> <p>22 MS. NEUMAN: I'm going to</p> <p>23 mark a document bearing the Bates</p> <p>24 numbers --</p> <p>25 A They did. That's my guess,</p>	<p style="text-align: right;">Page 136</p> <p>1 JOSH RIZACK</p> <p>2 charged to Ecuador Legal?</p> <p>3 A No.</p> <p>4 Q In your accountings, did you</p> <p>5 treat all the expenses shown on</p> <p>6 Exhibit 5343 as case expenses?</p> <p>7 MR. DONZIGER: I object to</p> <p>8 the form in this sense. I think he</p> <p>9 testified he's not doing accounting.</p> <p>10 He's doing compilations of expense</p> <p>11 summaries. I know that's kind of a</p> <p>12 subtle distinction because that's</p> <p>13 probably not what you mean. Just to</p> <p>14 be clear, these aren't accountings.</p> <p>15 They're efforts to compile</p> <p>16 expenditures and flows, that kind of</p> <p>17 stuff.</p> <p>18 Q To clarify further, when you</p> <p>19 testified you had a substantially</p> <p>20 complete accounting, this document that</p> <p>21 Mr. Rizack produced is not what you were</p> <p>22 referring to?</p> <p>23 MR. DONZIGER: I can't see</p> <p>24 the document. My apologies. And I</p> <p>25 know that's on me because I'm not</p>
<p style="text-align: right;">Page 135</p> <p>1 JOSH RIZACK</p> <p>2 yeah.</p> <p>3 MS. NEUMAN: -- J Rizack 43</p> <p>4 through 44, the heading Total Case</p> <p>5 Expenditures by Entity.</p> <p>6 (The above-referred-to</p> <p>7 document was marked as Plaintiff's</p> <p>8 Exhibit 5343 for identification, as</p> <p>9 of this date.)</p> <p>10 MS. NEUMAN: 5343.</p> <p>11 Q This is a document you</p> <p>12 prepared, Mr. Rizack?</p> <p>13 A I believe so.</p> <p>14 Q And this is -- when you</p> <p>15 organize the expenses into these</p> <p>16 categories, is that something you did or</p> <p>17 somebody else did?</p> <p>18 A No. I believe I did.</p> <p>19 Q So you decided who went into</p> <p>20 which category?</p> <p>21 A Yes.</p> <p>22 Q Have you ever for backup</p> <p>23 compared the cost and fee claim that was</p> <p>24 submitted in Ecuador in the Ecuador case</p> <p>25 to the amount of expenses that you</p>	<p style="text-align: right;">Page 137</p> <p>1 JOSH RIZACK</p> <p>2 physically there. But generally,</p> <p>3 I've seen -- you know, obviously,</p> <p>4 I've seen his summary. And if I --</p> <p>5 if I testify that it was accounting,</p> <p>6 I'm probably misusing the word a bit</p> <p>7 myself because it depends on how you</p> <p>8 define it, obviously. These aren't</p> <p>9 like official accounting an</p> <p>10 accountant would do. The witness</p> <p>11 testified he's not an accountant. He</p> <p>12 does have professional skill, though,</p> <p>13 in this kind of work in terms of</p> <p>14 numbers and, you know, trying to</p> <p>15 reconcile accounts and all that</p> <p>16 stuff. But I just think we need to</p> <p>17 be clear about what this is. I don't</p> <p>18 think it's an official accounting.</p> <p>19 MS. NEUMAN: Okay. But when</p> <p>20 you referred to a substantially</p> <p>21 complete accounting, even if you</p> <p>22 slightly misused the word, you were</p> <p>23 referring to Mr. Rizack's work?</p> <p>24 MR. DONZIGER: That is not</p> <p>25 my deposition. But I will give you</p>

35 (Pages 134 - 137)

<p style="text-align: right;">Page 138</p> <p>1 JOSH RIZACK</p> <p>2 the courtesy of an answer. Yes, I</p> <p>3 was, and also Ms. Sullivan subsequent</p> <p>4 to that.</p> <p>5 MS. NEUMAN: Oh. Her work.</p> <p>6 Sorry. I was thinking about her</p> <p>7 testimony. And I was confused.</p> <p>8 MR. DONZIGER: Yes.</p> <p>9 MS. NEUMAN: I understand</p> <p>10 what you're saying.</p> <p>11 MR. DONZIGER: Yeah.</p> <p>12 Q Mr. Rizack, are you aware of</p> <p>13 any occasions on which post the RICO</p> <p>14 judgment where there was funder money</p> <p>15 that had been obtained but it was</p> <p>16 directed into someone else's account for</p> <p>17 the benefit of Mr. Donziger as opposed to</p> <p>18 one of his TD accounts, say to his wife's</p> <p>19 account, for example? Anything like</p> <p>20 that?</p> <p>21 A I don't know where the</p> <p>22 money, post-funding, where it went to.</p> <p>23 Q Do you know how much it was?</p> <p>24 A No.</p> <p>25 Q Do you have any information</p>	<p style="text-align: right;">Page 140</p> <p>1 JOSH RIZACK</p> <p>2 A Yeah. No.</p> <p>3 Q You said that there were</p> <p>4 three or four successful fundings after</p> <p>5 RICO.</p> <p>6 How do you know that?</p> <p>7 A I was told.</p> <p>8 Q By?</p> <p>9 A By Steven Donziger.</p> <p>10 Q And did you review any</p> <p>11 documents related to those fundings,</p> <p>12 funding agreements, deposits, anything?</p> <p>13 A I might have seen some of</p> <p>14 that stuff and put it in folders. But,</p> <p>15 you know, I don't have any intimate</p> <p>16 knowledge of them.</p> <p>17 Q And you have no</p> <p>18 recollection, as you sit here today?</p> <p>19 A I know that there was. But</p> <p>20 I don't know amounts, people, that kind</p> <p>21 of thing.</p> <p>22 Q And you don't even know the</p> <p>23 range of amounts?</p> <p>24 A No.</p> <p>25 Q Have you ever deleted or</p>
<p style="text-align: right;">Page 139</p> <p>1 JOSH RIZACK</p> <p>2 on that?</p> <p>3 MR. DONZIGER: Correct me if</p> <p>4 I'm wrong, I think the witness</p> <p>5 testified he really wasn't involved</p> <p>6 in post-RICO inflows from investors.</p> <p>7 I know he was helping -- he testified</p> <p>8 he was helping --</p> <p>9 MS. NEUMAN: Mr. Donziger,</p> <p>10 you can't really make speaking</p> <p>11 objections. They're giving the</p> <p>12 impression you're trying to coach the</p> <p>13 witness.</p> <p>14 MR. DONZIGER: I withdraw</p> <p>15 that. But the objection is related</p> <p>16 to the question being confusing, I</p> <p>17 think. So I'm just trying to help</p> <p>18 but go ahead.</p> <p>19 MS. NEUMAN: Can you read</p> <p>20 the question back to the witness,</p> <p>21 please?</p> <p>22 (The requested portion was</p> <p>23 read back by the court reporter.)</p> <p>24 MS. NEUMAN: The total</p> <p>25 amount post-RICO.</p>	<p style="text-align: right;">Page 141</p> <p>1 JOSH RIZACK</p> <p>2 disposed of any documents related to your</p> <p>3 work for Mr. Donziger?</p> <p>4 A Have I ever deleted -- I</p> <p>5 mean not that -- not on purpose, not to</p> <p>6 hide anything, if that's what you're</p> <p>7 looking for. Might I have gotten rid of</p> <p>8 a worksheet that was no longer used or</p> <p>9 something, that's possible.</p> <p>10 Q Can you recall specifically</p> <p>11 whether you've deleted or disposed of any</p> <p>12 documents related to your work on this</p> <p>13 matter?</p> <p>14 A No.</p> <p>15 Q Has anyone ever asked you to</p> <p>16 delete or destroy any documents related</p> <p>17 to your work on this matter?</p> <p>18 A No.</p> <p>19 MS. NEUMAN: Mr. Donziger,</p> <p>20 setting aside the areas that we</p> <p>21 didn't get into -- so we leave the</p> <p>22 deposition open for that purpose --</p> <p>23 do you have questions for the witness</p> <p>24 at this time?</p> <p>25 MR. DONZIGER: I'll ask a</p>

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10	NAME OF DEPONENT: Josh Rizack
11	
12	PAGE LINE (S) CHANGE REASON
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22	JOSH RIZACK
23	SUBSCRIBED AND SWORN TO BEFORE ME
24	THIS ____ DAY OF _____, 2018.
25	(NOTARY PUBLIC) MY COMMISSION EXPIRES:

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C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, JOSH RIZACK, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.



ANTHONY GIARRO